

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**CLEMENT WOGHIREN,**  
**Plaintiff,**  
**v.**  
**WYETH, and**  
**WYETH BIOPHARMA,**  
**Defendants.**

**CIVIL ACTION NO. 04-12148-WGY**

**JOINT STATEMENT AND SCHEDULING ORDER  
PURSUANT TO LOCAL RULE 16.1**

Plaintiff Clement Woghiren and Defendants Wyeth and Wyeth Biopharma (collectively “Wyeth” or the “Defendants”) having by their counsel conferred pursuant to Fed.R.Civ.P. 26(f) and Local Rule 16.1 hereby submit the following Joint Statement in connection with the Rule 16 Scheduling Conference on December 13, 2004 (the “Scheduling Conference”).

1. **Matters To Be Discussed At Conference:** The parties will appear at the Scheduling Conference prepared to discuss the following issues: a proposed pre-trial schedule for the case that includes a plan for phased discovery; anticipated motions; discovery limits; alternative dispute resolution and settlement.

2. **Pending Motions:** There are no motions currently pending before the Court and the parties have filed herewith a Proposed Pre-Trial Schedule for filing dispositive motions.

3. **Proposed Pretrial Schedule:** The parties have agreed on all dates within the below-listed pretrial schedule and as proposed in the Proposed Pre-Trial Schedule filed herewith:

- (a) Initial Disclosures: Initial disclosures under Fed.R.Civ.P. 26(a) shall be completed on or before December 31, 2004;
- (b) Fact Discovery Cut-Off: All fact discovery (including interrogatories, requests for admissions, document requests and depositions) shall be completed on or before June 3, 2005.
- (c) Expert Discovery: It is not currently anticipated that the parties will need to conduct expert discovery. The parties agree, however, to complete expert discovery, if any, on or before June 17, 2005.
- (d) Motions:
  - (1) Amendments to pleadings shall be filed in accordance with Fed.R.Civ.P. 15.
  - (2) Dispositive Motions shall be filed no later than July 8, 2005.
- (e) Pre-Trial Conference. The parties suggest a final pre-trial conference date of August 26, 2005 or on an alternative date convenient for the Court.

4. **Discovery Event Limitations**: The parties agree to abide by the discovery event limitations contained in Local Rule 26.1(C).

5. **Trial by Magistrate Judge**: The parties do not consent to trial by Magistrate Judge.

6. **Settlement**: Plaintiff will tender his written settlement proposal to Defendants ten days prior to the Scheduling Conference.

7. **Rule 16.1(D)(3) Certifications**: The parties shall separately file their certifications regarding consultation on litigation budgets and alternative dispute resolution as required by Local Rule 16.1(D)(3).

8. **Modification of the Schedule:** All dates set forth herein may be modified by written agreement of the parties and approval of the Court, or upon motion to the Court for good cause shown.

Respectfully Submitted,

WYETH and WYETH BIOPHARMA,

By their Attorneys:

/S/

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Respectfully Submitted,

CLEMENT WOGHIREN,

By his Attorneys:

/S/

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Dated: December 6, 2004